

(TROUT CREEK HARNEY COUNTY)

Edwin B. Hill et al.,
Plaintiffs

vs.

The American Land & Live Stock Company,
a corporation, et al.,
Defendants.

AMENDING FORMER

DECREE

Now comes on the application of Melvin M. Doan, by G. A. Rembold and John W. Biggs, his attorneys, to amend the former decree of this court, and the findings, made and entered on the day of October 1915 in Circuit Court Journal E page 133 as far as the appropriation of applicant of the waters of Willow Creek is concerned for the irrigation of his homestead entry, viz., SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 23 T. 38 S. R. 35 E. W. M., NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and Lot 3 of Sec. 4, T. 39 S. R. 35 E. W. M., containing 159.55 acres; and it having been found and decreed in said former decree that said Melvin M. Doan was entitled to water of only 80 acres of the said land, in said former decree described, one half of it from Willow Creek and one half of it from Trout Creek; and it appearing that this was due to some error, and that as shown in the testimony said Melvin M. Doan was entitled to the use of the waters of Willow Creek on that part of his said homestead not described in said former decree as being entitled to any, namely: 4.55 acres in lot 3, 35 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 39 S. R. 35 E. W. M., being 79.55 acres, in addition to what was decreed him in said former decree, it also appearing that of the parties to this suit the only ones claiming and being entitled to any of the waters of said Willow Creek were, in addition to said Melvin M. Doan, his wife Rose E. Doan, and his mother in law, Charlotte Sturgeon, who consent to the modification and amendment of said decree as asked by said Melvin Doan,

It is therefore considered, ordered, adjudged and decreed that said former findings and decree be and the same hereby is amended nunc pro tunc so as to allow and grant to the said Melvin M. Doan, one inch per acre, miners measurement, or its equivalent in cubic feet per second, throughout the irrigating season, of the waters of Willow Creek, for the irrigation of 4.55 acres in lot 3, 35 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and 40 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, of section 4 in T. 39 S. R. 35 E. W. M., making a total of 79.55 acres in addition to what was decreed him before, in other words allowing him the use of said waters for the irrigation of all the land in his homestead entry, by means of the dams and ditches connected therewith, and that a certified copy of this amending decree be sent to the State Water Board.

Done and dated this 30th day of March 1917.

DALTON BIGGS
Judge.

STATE OF OREGON,)
(SS
County of Harney,)

I, Chester Dalton, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of AMENDED FORMER DECREE has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original amended former decree as the same appears record and File at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 5 day of April 1917.

CHESTER DALTON
County Clerk.

(SEAL OF CIRCUIT COURT FOR HARNEY COUNTY)

By Deputy.

STATE OF OREGON,)
(
County of Marion.)

I, M. F. MERS, Secretary of the State Water Board of the State of Oregon, do hereby certify that the above copy of Decree of the Circuit Court of the State of Oregon for Harney County, was received in the office of the State Water Board and entered of record herein on the 13th day of April, 1917.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Water Board of Oregon, this 13th day of April, 1917.

M. F. Mers
Secretary of State Water Board.